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7                   **UNITED STATES DISTRICT COURT**  
8                   **WESTERN DISTRICT OF WASHINGTON**  
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10                  **AT SEATTLE**

11               **KIMBERLEY SPANN,**                   ) Case No.  
12               Plaintiff,                           ) )  
13    ) **COMPLAINT**  
14               vs.                                   ) )  
15               **IC SYSTEM, INC.,**                   ) **JURY TRIAL DEMANDED**  
16               Defendant.                           ) )  
17    ) )  
18    ) )  
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**I. NATURE OF ACTION**  
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21               1. This is an action for damages brought by an individual consumer for  
22               Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
23               1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,  
24               Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,  
25               deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of  
26               privacy by intrusion, ancillary to Defendant's collection efforts.  
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28               Complaint - 1

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## **II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

3. Kimberley Spann, is a natural person residing in the State of Washington, County of Island, and City of Camano Island.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, IC System, Inc. (“Defendant”) was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

#### IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

1 a. Causing Plaintiff's telephone to ring repeatedly or continuously  
2 with intent to harass, annoy or abuse Plaintiff (§ 1692d(5));

3 b. Repeatedly making telephone calls to Plaintiff in connection  
4 with collection of a debt allegedly belonging to someone else, and  
5 refusing to stop this behavior a request to do by Plaintiff (§  
6 1692d));and,

7 c. Communicating with Plaintiff directly after learning that  
8 Plaintiff is being represented by counsel (§ 1692c(a)(2).

9 8. Defendant's aforementioned activities, set out in paragraph 8, also  
10 constitute an intentional intrusion into Plaintiff's private places and into private  
11 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable  
12 person. With respect to the setting that was the target of Defendant's intrusions,  
13 Plaintiff had a subjective expectation of privacy that was objectively reasonable  
14 under the circumstances.

15 9. As a result of Defendant's behavior, detailed above, Plaintiff  
16 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,  
17 embarrassment, mental anguish and emotional distress.

21 **COUNT I: VIOLATION OF FAIR DEBT  
22 COLLECTION PRACTICES ACT**

23 10. Plaintiff reincorporates by reference all of the preceding paragraphs.

## **PRAAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
  - B. Actual damages;
  - C. Statutory damages;
  - D. Costs and reasonable attorney's fees; and,
  - E. For such other and further relief as may be just and proper.

## **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**

ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON

## **CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- B. Actual damages;
  - C. Discretionary Treble Damages;
  - D. Costs and reasonable attorney's fees,
  - F. For such other and further relief as may be just and proper.

1 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

2 12. Plaintiff reincorporates by reference all of the preceding paragraphs.

3  
4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
6 against the Defendant for the following:

- 7  
8 A. Actual damages  
9 B. Punitive Damages; and,  
10 C. For such other and further relief as may be just and proper.

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12 Respectfully submitted this 13<sup>th</sup> day of November 2008.

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16 s/Jon N. Robbins  
17 Jon N. Robbins  
18 WEISBERG & MEYERS, LLC  
19 Attorney for Plaintiff  
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